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RUEAUSA/DEPT OF HHS WASHINGTON DC PRIORITY  
RUEAWJA/JUSTICE DEPT WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 07 TOKYO 003186

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E.O. 12958: DECL: 07/08/2017  
TAGS: [PHUM](#) [PREF](#) [ELAB](#) [SMIG](#) [KCRM](#) [KWMN](#) [JA](#)  
SUBJECT: G/TIP AMBASSADOR LAGON'S JULY 2 MEETING WITH THE  
JAPANESE GOVERNMENT

REF: A. A) TOKYO 2788

[1](#)B. B) JUNE 19 EMAIL: MCJACKSON TO RRICHHART

Classified By: Ambassador J. Thomas Schieffer for reasons 1.4 (b) and (d)

[1](#)1. (C) Summary: The 2007 TIP Report assessment of Japan is unfair, said Foreign Policy Deputy Director-General Shimbo to Trafficking in Persons Ambassador Mark Lagon July 2 during a meeting with the Japanese anti-human trafficking inter-ministerial task force. The Report does not take into account Japan's success in the fight against human trafficking, and the United States needs to explain the criteria used to evaluate Japan or else the Ministry of Foreign Affairs will no longer cooperate with the Embassy in gathering information for the TIP Report, DDG Shimbo told Ambassador Lagon. Although Japan had made progress in earlier years, inconsistent victim identification and protection provided a solid basis for the Tier 2 ranking this year, replied Ambassador Lagon. To answer Japan's questions and provide a framework for further communication, Ambassador Lagon delivered a roadmap to the Japanese government that defined the benchmarks against which Japan would be evaluated in 2008. End Summary.

Japan Says the Report is Unfair

[1](#)2. (C) The Japan country narrative of the Trafficking in Persons (TIP) Report is "biased and unfair" compared to other Tier 1 countries, said Foreign Policy Bureau Deputy Director-General Masatoshi Shimbo to Ambassador Mark Lagon, Director of the State Department's Office to Monitor and Combat Trafficking in Persons (G/TIP) during a July 2 meeting. Japan treats trafficking in persons as a serious crime and a violation of human rights and human dignity, and has therefore taken "aggressive actions" to fight human trafficking, stated DDG Shimbo. Japan was "not happy, not happy at all," to be ranked Tier 2 in the TIP Report, he complained, noting that the Ministry of Foreign Affairs (MOFA) had already delivered this message to Embassy Tokyo (Ref A).

[1](#)3. (C) Fear that Japan will never be assessed fairly is "stronger than ever," added MOFA International Organized Crime Division Director Akihiko Uchikawa. After the 2006 Report, then-MOFA Director-General for Global Issues Takahiro Shinyo wrote a letter to Ambassador John Miller, then-G/TIP Director (attached in Ref B). In the letter, DG Shinyo claimed that Japan was held to a different standard than countries ranked in Tier 1. These inconsistencies remain in this year's report, asserted Uchikawa, citing that even though one G-8 country was criticized in the Report for

suspending sentences in all but 31% of its trafficking convictions, it was still ranked at Tier 1. Japan will continue its efforts to fight human trafficking regardless of its evaluation in the TIP Report, but if the United States cannot clearly explain its Tier ranking criteria and give Japan assurances that meeting those criteria will result in a Tier-1 ranking, MOFA will no longer cooperate with the U.S. Embassy in compiling data for the report, said Uchikawa.

14. (SBU) The purpose of the G/TIP delegation's visit to Japan is to clarify the TIP Report criteria and to show that continued cooperation between Japan and the United States would be fruitful, began Ambassador Lagon. The United States also has a human trafficking problem and is still working to make its anti-TIP policies effective. The TIP Report is not intended as a judgment or sermon, and is written in the "spirit of partnership," said Ambassador Lagon, noting that the 2007 Report is the first to contain a narrative of the United States. The United States is committed to working closely with Japan, not to export American morality, but to promote the universal values of human dignity: that victims must be treated as victims, not as criminals or witnesses, and that there are no disposable human beings, stated Ambassador Lagon.

15. (C) The United States recognizes Japan's efforts and progress as well as its problems, Ambassador Lagon told the inter-ministerial task force, citing the firm views of Under Secretary of State Dobriansky to that effect. The areas for

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improvement that the United States has identified for Japan are explained in a roadmap prepared for the meeting with the inter-ministerial task force, explained Ambassador Lagon, promising to "not move the goalposts." Inconsistent victim identification and lack of cooperation with NGOs were major

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stumbling blocks for Japan, and were weighed more heavily than the percentage of sentences that were suspended, Ambassador Lagon clarified.

#### Frustrations Over Procedural Issues

16. (C) The TIP Report information collection process was frustrating for the Japanese government, began Uchikawa. The task force ministries expended considerable time and resources to gather relevant, updated data, but were not given the opportunity to weigh in on many of the issues highlighted in the Report. Uchikawa asked why questions about the comprehensiveness of Japan's anti-TIP laws weren't raised until two months before the report was published. He also protested that the United States used information obtained from NGOs without first double-checking that information with MOFA. Uchikawa requested that any future requests for information be directly linked to specific TIP Report criteria. Uchikawa also asked for more information about how new requirements regarding demand reduction, child labor, and forced labor would be evaluated in the 2008 Report.

17. (C) The United States will continue to inquire principally with the Japanese government for information, Ambassador Lagon reassured the task force. Although G/TIP stands by its policy of seeking information from NGOs and international organizations as well, the Japanese government's willingness to provide information to the United States is most important, namely as a sign of Japan's commitment to fighting human trafficking. The United States has given Japan the benefit of the doubt on whether Japanese anti-TIP law is comprehensive, stated Ambassador Lagon, pointing out that one action item in the roadmap asks for clarification, not requiring new legislation, but merely suggesting it may be useful. It is important for all governments, including the United States government, to assess how the sex industry contributes to trafficking in persons, answered Ambassador Lagon, highlighting that the

roadmap answers questions about reducing demand for sexual service, child labor, and forced labor.

#### Ministry-by-Ministry Concerns about the Japan Narrative

18. (C) The decrease in the number of victims protected by the government is not a sign of ineffective law enforcement, National Police Agency (NPA) Community Safety Bureau Consumer and Environmental Protection Division Director Yoshiyuki Tsuji told the G/TIP delegation. Sex businesses raided by

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police in 2005 housed large groups of women, resulting in large numbers of protected victims. In contrast, raids in 2006 only liberated smaller groups of women, leading to a decrease in the number of women protected. According to Tsuji, the number of raids on commercial sex establishments

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actually increased in 2006, though involving fewer victim rescues, clearly demonstrating the NPA's commitment to combating TIP, he claimed.

19. (C) The United States sees the falling number of protected victims primarily as a sign of poor victim identification procedures, replied Ambassador Lagon. An increase in the number of raids on sex businesses is not sufficient evidence of effective victim protection. While low numbers of protected victims can signal insufficiently vigorous law enforcement, they raise larger questions about whether there is a sufficiently active and sensitive effort to identify victims. The United States believes that there are far more victims than are being identified, said Ambassador Lagon, citing for example a Taiwanese government report that 59 Taiwanese women were repatriated from Japan in 2006, while Japanese authorities only identified a total of 58 victims from all countries during the same period. Ambassador Lagon urged the task force members to meet regularly with NGOs, noting that cooperation between the government and NGOs has proven to be beneficial throughout the world. There is always a statistical disparity between countries, answered DDG Shimbo, but he allowed that "perhaps Japan should work with NGOs" to boost victim identification. Tsuji also acknowledged that there are more victims in Japan

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than are being identified by the police.

110. (C) The growth in trafficking convictions demonstrates the effectiveness of the Japanese government's prosecution efforts, stated Ministry of Justice (MOJ) Criminal Affairs Bureau Public Security Division Director Shinji Ogawa. Although prosecutors are independent of government bureaucracy, the MOJ has had an impact on sentencing,

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explained Ogawa. The Ministry of Justice believes that existing laws are comprehensive, stated Ogawa, asking for clarification about the U.S. concerns over Japanese laws.

111. (C) The United States gives Japan the benefit of the doubt regarding the comprehensiveness of Japanese law, reiterated Ambassador Lagon, pointing to the roadmap's request for clarification. The United States would like to see how Japanese law has been interpreted to cover sex trafficking and labor trafficking, as well as force, coercion, debt bondage, and fraud as means used by exploiters, through the provision on documents on specific criminal prosecutions and convictions. Ambassador Lagon asked for this evidence within one month if possible. The United States has not made the determination that Japanese law is insufficient, Ambassador Lagon clarified.

112. (SBU) 14 to 28-day "Special Stay" permits provide adequate immigration relief to victims, MOJ Immigration Bureau Adjudication Division Director Takafumi Oki told the

G/TIP delegation. When a victim is identified as a visa overstay, immigration will give them this special permission to remain temporarily in Japan. The Immigration Bureau also provides special-stay status for victims to cooperate with police investigations. In spite of these permits, most victims want to quickly return to their countries, according to Oki. In those cases, Immigration works with the International Organization for Migration (IOM) to safely repatriate the victims to their home countries, he finished.

¶13. (SBU) Tightened restrictions on "entertainer" visas are a very successful outcome of Japan's efforts to prevent trafficking in persons, said MOFA Consular Affairs Bureau Foreign Nationals' Affairs Division Principal Deputy Director Genichi Terasawa. In addition to stringent examination of entertainer visas, the Consular Affairs Bureau will carefully examine visa applications of foreign trainees as well as children, said Terasawa.

¶14. (C) The decrease in victims referred to private NGO shelters is not a sign of decreased cooperation with NGOs, said Ministry of Health, Labour, and Welfare (MHLW) Equal Employment, Children, and Families Bureau Needy Family Welfare Division Director Yasuhiro Fujii. The only reason fewer victims were referred to the private shelters was because there were fewer victims overall, explained Fujii. With private shelters located only in Tokyo and Kanagawa, it is necessary to rely on the government's network of Women's Consulting Centers (WCCs). The MHLW has been working to improve the WCC shelters, including securing interpretation services, finished Fujii.

¶15. (C) The government is actively reviewing the "foreign trainee" program, stated MHLW Human Resources Development Bureau Overseas Cooperation Division Foreign Training Office Director Shigeru Fujieda. Although Fujieda acknowledged that government officials had discovered some egregious cases of inadequate protection of foreign laborers, he was unclear about how the program fit the definition of human trafficking, and asked for clarification. G/TIP Senior Coordinator for Reports Mark Taylor explained that conditions described by the Japanese media meet the U.S. definition of forced labor/labor trafficking: passport confiscation, debt, unpaid overtime, and coercion.

#### U.S. Roadmap for Japan

¶16. (C) The United States takes Japan's concerns about fairness in the TIP Report very seriously, Ambassador Lagon told the task force members. G/TIP wants to see Japan reach Tier 1, but stands by its 2007 assessment and cannot promise that an objective evaluation will not lead to a Tier 2 ranking for Japan in 2008. To answer the Japanese government's questions about why it was ranked Tier 2, the roadmap is explicitly tied to the Trafficking Victims Protection Act's minimum standards and their criteria, said Ambassador Lagon, promising that the nine action items in the roadmap would be the benchmarks by which Japan would be evaluated next year, and that they would not change. Reiterating that only the action items -- not the recommendations -- were benchmarks for evaluation, Ambassador Lagon also recommended that Japan abolish the foreign trainee program, mentioning that the Republic of Korea had abolished a similar program due to its vulnerability to exploitation.

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¶17. (SBU) Ambassador Lagon provided the following roadmap to the Japanese government:

Begin roadmap:

A Roadmap for Meeting the Minimum Standards of the  
Trafficking Victims Protection Act of 2000  
Japan

Following are the Minimum Standards for the elimination of trafficking in persons contained in the Trafficking Victims Protection Act of 2000, as amended, (TVPA) and measures for the Government of Japan to take in order to be assessed as in compliance with those standards.

--Minimum Standard 4, Criteria 2: Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked.

--Action 1: The government should fully utilize pre-existing specialized anti-trafficking NGO shelters, funding their expansion if necessary, or, the government should create new shelters that are dedicated to providing specialized services to victims of human trafficking, including counseling in multiple languages.

The current reliance on the prefecture-level domestic violence shelters, "Women's Consulting Centers," is not adequate to meet the needs of foreign trafficking victims and does not meet Minimum Standard 4, Criteria 2.

--Action 2: Ensure that victims are eligible to receive a temporary visa or special-stay status that includes either social welfare, victim restitution, or permission to work. The validity of this special-stay should extend beyond the conclusion of any court proceedings involving the victim.

Currently, we have not seen evidence that government authorities attempt to determine whether victims may face hardship or retribution if they are returned to their country of origin. Similarly, we have not seen evidence that victims are offered any alternative to their speedy repatriation. In addition, there are reports that some victims, identified by Japanese authorities and repatriated to their countries of origin, have been re-trafficked to Japan, a sign of inadequate victim protection. Without means to determine whether victims face hardship or retribution upon repatriation, and without viable alternatives to removal for victims who would face such hardship or retribution, the government fails to meet Minimum Standard 4, Criteria 2.

--Action 3: The government should establish clear criteria for victim identification, articulate a policy promoting proactive screening for victims, train personnel in victim identification methods, and assign already trained personnel to high-risk areas to prevent victims from being penalized for acts committed as a result of being trafficked, such as punishment for violation of immigration provisions or prostitution.

U.S. officials have heard reports that some victims with expired visas have been deported because they told police officers that they wanted to continue working in Japan. Failure to identify victims of the crime of human trafficking as victims, regardless of their visa status or desire to work, fails to meet Minimum Standard 4, Criteria 2.

Proactive victim identification procedures are particularly necessary among groups vulnerable to trafficking, such as illegal immigrants or women arrested for prostitution, and are most appropriate in areas where these potential victims may interface with the government, including police stations and immigration detention centers. Victims should not be expected to take the initiative to identify themselves given their possible shame or fear of retribution from their traffickers or punishment by the government, thus the need for trained personnel to interview potential victims and make them aware of their rights.

--Recommendation: best-practice victim identification

procedures would include the use of social workers or other professionals trained specifically in victim identification to interview those in vulnerable groups for evidence of trafficking.

--Minimum Standards 1-3: The government should prohibit severe forms of trafficking in persons and punish acts of such trafficking. For the knowing commission of any act of sex involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault. For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

--Action 4: The government should provide specific examples of prosecuted cases with sufficiently stringent punishments to the U.S. government to demonstrate that existing Japanese law covers all "severe forms of trafficking in persons" as defined in the TVPA including examples related to sex trafficking and labor trafficking, through force, fraud, coercion, or debt bondage.

--Recommendation: Japan would benefit from a law or a revision to the penal code that specifically includes all severe forms of trafficking under one comprehensive statute, including any act of sex or labor trafficking involving force, fraud, coercion, or in which the victim is a child incapable of giving meaningful consent.

--Minimum Standard 4, Criteria 1 and 10: Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts . . . . After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts. Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.

--Action 5: The government should provide descriptions of police investigations to clearly explain why the number of protected victims fell from 117 in 2005 to 58 in 2006.

Globally, when countries become more proactive in addressing TIP issues, the number of protected victims increases. The decrease in the number of protected victims may be a sign that police investigations are not vigorous and thus do not meet Minimum Standard 4, Criteria 1 and 10.

--Recommendation: The government should conduct trainings for police and immigration officers to instruct them that debt bondage is illegal and teach them how to recognize it. The government should also include debt bondage education in anti-trafficking public awareness campaigns.

--Recommendation: Establish a full-time, dedicated anti-TIP unit within the Ministry of Justice to proactively investigate and prosecute trafficking crimes.

--Minimum Standard 4, Criteria 1 and 3: Whether the government of the country has adopted . . . measures to prevent the use of forced labor or child labor in violation of international standards. The government should vigorously



investigate and prosecute acts of severe forms of trafficking in persons, and convict and sentence persons responsible for such acts.

--Action 6: The government should establish clear criteria for the identification of labor- trafficking victims, articulate a policy promoting proactive screening for victims, train personnel in victim identification methods, and assign already trained personnel to high- risk areas to ensure the vigorous investigation and prosecution of labor trafficking-related offenses. These criteria should include document removal, forced deposits, control of movement,

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intimidation, etc.

There have been increasing reports that this type of trafficking exists in Japan in significant quantities. In some cases the government has failed to identify "foreign trainees" as victims of human trafficking in spite of conditions that amount to trafficking, failing to meet Minimum Standard 4, Criteria 1 and 3.

--Minimum Standard 4, Criteria 3: Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons . . . (and) measures to reduce the demand for commercial sex acts and for participation in international sex tourism.

--Action 7: Any Japanese national who engages in child sex tourism in a foreign country should be investigated, and if appropriate, prosecuted, and convicted by the government in Japan under the extra-territorial child sex tourism law.

To date, few prosecutions under Japan's extra-territorial child sex tourism law have been recorded. U.S. officials have heard reports that some Japanese citizens who engaged in child sex tourism in foreign countries were not charged upon their return to Japan. Failure to prosecute child sex tourists fails Minimum Standard 4, Criteria 1 and 3.

--Action 8: The government should conduct a widespread campaign to raise public awareness of child sex tourism and warn potential offenders of prosecution under the extra-territorial provisions of the child prostitution law. For example, these warnings would be especially effective if prominently displayed in airport departure lounges. Failure to educate the public about child sex tourism or to warn potential offenders of prosecution fails Minimum Standard 4, Criteria 3.

--Action 9: Revise the child pornography law to criminalize the access, purchase, and possession of child pornography.

The fact that it is legal to purchase and possess child pornography in Japan contributes to the global demand for production of these images, which often depict the brutal sexual assault of children. International sex tourists amass large collections of child pornography which generally can not be subpoenaed as evidence because possession of the images is legal. The fact that the purchase and possession of child pornography in Japan is legal fails Minimum Standard 4, Criteria 3.

End Roadmap

118. (U) The following participants were present:

UNITED STATES:

Ambassador Mark Lagon, Director of Office to Monitor and Combat Trafficking in Persons  
Mark Taylor, G/TIP Senior Coordinator for Reports  
Scott Hansen, Political Officer, U.S. Embassy Tokyo  
Marc Jackson, Japan Desk Officer, EAP/J  
Christy Busch, Political Intern, U.S. Embassy Tokyo  
Ken Yokota (Interpreter)

JAPAN:

Ministry of Foreign Affairs:

Masatoshi Shimbo, Deputy Director General for Foreign Policy Bureau

Akihiko Uchikawa, Director, International Organized Crime Division, Foreign Policy Bureau

Genichi Terasawa, Principal Deputy Director, Foreign Nationals' Affairs Division, Consular Affairs Bureau

Akiko Tamura, Officer, Foreign Nationals' Affairs Division, Consular Affairs Bureau

Hiroko Sasahara, TIP Officer, International Organized Crime Division, Foreign Policy Bureau

Cabinet Office:

Yumiko Jozuka, Director, Gender Equality Promotion Division, Gender Equality Bureau

Gakuyoh Yagi, Chief of Promotion for Elimination of Violence Against Women, Gender Equality Promotion Division, Gender Equality Bureau

National Police Agency:

Yoshiyuki Tsuji, Director, Consumer and Environmental Protection Division, Community Safety Bureau

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Haruhisa Goto, Deputy Director, Consumer and Environmental Protection Division, Community Safety Bureau

Hiroyuki Oda, Police Inspector, Consumer and Environmental Protection Division, Community Safety Bureau

Ministry of Justice:

Shinji Ogawa, Director, Public Security Division, Criminal Affairs Bureau

Takafumi Oki, Director, Adjudication Division, Immigration Bureau

Mika Shirai, Attorney, Criminal Affairs Bureau

Toyotaka Kawabata, Specialist, Adjudication Division, Immigration Bureau

Ministry of Health, Labour and Welfare:

Yasuhiro Fujii, Director, Needy Family Welfare Division, Equal Employment, Children and Families Bureau

Teiichi Naka, Specialist for Protection of Women, Office of Fatherless Family Assistance, Needy Family Welfare Division  
Shigeru Fujieda, Director, Foreigners Training Office, Overseas Cooperation Division, Human Resources Development Bureau

Akiko Takamura, Section Chief, Foreigners Training Office, Overseas Cooperation Division, Human Resources Development Bureau

Makiko Genka, Deputy Director, International Affairs Division, Equal Employment, Children and Families Bureau

19. (U) Ambassador Lagon has cleared this cable  
SCHIEFFER